

BARATTA, BARATTA & AIDALA LLP

ATTORNEYS AT LAW
546 FIFTH AVENUE
NEW YORK, NEW YORK 10036
(212) 750-9700

JOSEPH P. BARATTA
JOSEPH A. BARATTA*
ARTHUR L. AIDALA*

OF COUNSEL:
HON. BARRY KAMINS (RET)
MARIANNE BERTUNA*
MICHAEL V. CIBELLA
IMRAN H. ANSARI*
JOHN ESPOSITO*
DIANA SAMSON#
MICHAEL JACCARINO
PAUL D'EMILIA
SIGISMONDO RENDA

* ALSO ADMITTED IN NJ
ALSO ADMITTED IN CT

FACSIMILE: (212) 750-8297
E-FAX: (212) 202-4435
WWW.BARATTALAW.COM

BROOKLYN OFFICE
8118 13TH AVENUE
BROOKLYN, NEW YORK 11228

NEW JERSEY OFFICE
340 NORTH AVENUE, 3RD FLOOR
CRANFORD, NEW JERSEY 07016

September 10, 2020

LETTER MOTION REQUEST FOR EXTENSION OF TIME TO ANSWER OR MOVE WITH RESPECT TO THE COMPLAINT

Via ECF

The Honorable Lewis A. Kaplan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: FTC v. RCG Advances, LLC, et al.
1:20-cv-04432-LAK

Dear Judge Kaplan,

We are attorneys for Jonathan Braun with respect to the above matter. Our firm filed a Notice of Appearance on September 4, 2020 in this case.

Mr. Braun was formerly represented by attorney Jeffrey Fleishman, who obtained an extension of time to answer or move until September 14, 2020. In the request by Mr. Fleishman, he informed the Court that Mr. Braun had not yet determined if he or separate counsel would be representing Mr. Braun.

He further advised that Mr. Braun is currently incarcerated and in quarantine as a result of COVID-19. Mr. Braun is still subject to lockdown and is unable to have any legal visits.

We have talked to Mr. Braun telephonically, but have been unable to meet with him to discuss the FTC complaint. The undersigned was advised by Mr. Braun's Federal Bureau of Prisons ("BOP") Counselor that in-person legal visits will resume no later than October 3, 2020, and same is confirmed by the BOP in the annexed Press Release. See, EXHIBIT A. We intend and expect to visit thereafter with Mr. Braun to discuss his defense in this case.

We have never personally met with Mr. Braun, and there are a number of legal issues to review with him regarding the Complaint. We have contacted the FTC to request the extension, and were advised that while the FTC consented to the initial request by Mr. Fleishman, it could not agree to a further extension at this time, even though counsel for the FTC appreciated our situation of not being able to interview our client in person.

It is not an understatement that our Courts have had to respond to the current pandemic in an unprecedented manner. One of the unfortunate consequences of the current health crisis is that counsel in this case has been prevented from meeting with his client. There is probably no more basic, constitutional right than the ability of a defendant to confer with counsel, whether it is in a civil or criminal case. Although we will soon be able to meet with Mr. Braun, until that time occurs, in approximately three weeks, we do not think it unreasonable to ask for an extension of time to permit us to meet with Mr. Braun – a litigant who has, through no fault of his own, never met his attorney.

The Complaint in the case requests substantial monetary relief, and we respectfully request an extension of time from September 14, 2020 to October 14, 2020 so that we can meet with Mr. Braun in person to be able to appropriately advise him with respect to his rights in the matter.

This is our first request for an extension in this case.

We sincerely appreciate the Court's consideration in this matter.

Respectfully submitted,

Baratta, Baratta & Aidala LLP

By: /s/ Arthur L. Aidala
Arthur Aidala

AA/dr